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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,406	01/16/2004	Laymon Scott Humphries	09710-1207	7489

25537 7590 10/31/2006  
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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,406	<b>Applicant(s)</b> HUMPHRIES ET AL.	
	<b>Examiner</b> Hemant Patel	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The Applicant Response dated August 31, 2006 to an Office Action dated May 30, 2006 is entered. Claims 1-30 are pending in this application.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 11, 16, 21, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg (US Patent No. 5,742,509).

**Regarding claims 1, 6, 11,** Goldberg discloses a method for transmitting data associated with an object tracked by a fleet and asset management system over a wireless network, the method comprising:

storing data received from an input interface coupling the object (col. 12, ll. 3-5; various data from GPS receiver of object being tracked i.e. automobile, trunk, van, trailer col. 12, ll. 33-34);

receiving over the wireless network a request message from the fleet and asset management system (col. 13, ll. 16-19), the request message specifying a schedule for transmission of the stored data to the fleet and asset management system and associated schedule activation information, wherein the schedule activation information specifies activation of the schedule based upon a state of the input interface (col. 13, ll. 26-35; col. 12, ll. 19-31; schedule of distance and time to send data and it is activated by parameters of distance and time received from external GPS attached to object being tracked); and

selectively transmitting the stored data over the wireless network to the fleet and asset management system according to the schedule, if the schedule is activated (col. 14, ll. 2-8, ll. 29-40; the transmitted data is sent as per schedule and includes position data as stored boundaries of the alarm zone and confirmed by the position data received from GPS as well as stored vehicle ID inherently to identify itself as a data sender).

**Regarding claims 16, 21, 26,** Goldberg discloses a method and system for acquiring data associated with an object tracked over a wireless network, comprising:

transmitting a message over the wireless network to a telemetry device coupled to the object via an input interface, the telemetry device storing data received from the input interface, wherein the message specifies a schedule for transmission of the stored data and associated schedule activation information that specifies activation of the schedule based upon a state of the input interface (col. 13, ll. 26-35; col. 12, ll. 19-31;

schedule of distance and time to send data and it is activated by parameters of distance and time received from external GPS attached to object being tracked); and

selectively receiving the stored data in the telemetry device over the wireless network according to the schedule, if the schedule is activated (col. 14, ll. 2-8, ll. 29-40; the transmitted data is sent as per schedule and includes position data as stored boundaries of the alarm zone and confirmed by the position data received from GPS as well as stored vehicle ID inherently to identify itself as a data sender).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey (US Patent No. 6,611,740 B2), and further in view of Goldberg.

**Regarding claims 1, 6 and 11**, Lowrey teaches of wireless appliance (col. 2, ll. 55-59) storing data received from input interface (Fig. 1, item 16, col. 6, ll. 10-14, OBD-II connector) coupling the object (Fig. 1, item 15, engine computer of vehicle being managed), receiving a message from the host computer (fleet and asset management system) over the airlink (standard wireless connection, col. 4, ll. 3-6) with a schema specifying the type of data and frequency of data to collect data and transmit and transmitting the collected data over the wireless network to the host computer (col. 2, ll. 55- col. 3, ll. 13, col. 4, ll. 3-24). The schedule is activated and data is transmitted when the vehicle is in running state (col. 2, ll. 5-6, col. 4, ll. 46-49).

Lowrey is silent on the state of the input interface to activate the schedule.

However, in the same field of endeavor, Goldberg teaches of a vehicle tracking and guidance system in which the command message is received over wireless network by a remote mobile unit (Fig. 3, item 42, watson device) connected (Fig. 3, items 70, 76, 78, 84) to object (col. 12, ll. 32-34, vehicles) being tracked, wherein the command includes schedule (sending times) and schedule activation information (certain distance traveled or boundaries of geographic areas) (col. 12, ll. 21-31; col. 13, ll. 29-35; col. 14, ll. 35-37) and these activation information are provided by external GPS through the interface (col. 12, ll. 3-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lowrey to receive a schedule and its activation information over the wireless network as taught by Goldberg in order to "receive the location of the watson device at certain sending times" (Goldberg, col. 3, ll. 29-30) such that "the base station should be able to change the configuration of the Watson device which includes timing and other requirements for watson to call the base station" (Goldberg, col. 13, ll. 32-35).

**Regarding claims 4, 9 and 14,** Lowrey teaches of the interface coupled to sensor or switch representation in engine computer for retrieving the data (Fig. 1, item 16).

**Regarding claims 5, 10 and 15,** Lowrey teaches of a message with a schema specifying the type and frequency of data collection (col. 2, ll. 18-22, col. 5, ll. 10-17).

**Regarding claims 16, 21 and 26,** Lowrey teaches of transmitting a message from the host computer (col. 2, ll. 46-50) over the airlink (standard wireless connection, col. 4, ll. 3-6) to the wireless appliance (col. 2, ll. 55-59) coupled to the object (Fig. 1, item 15, engine computer of vehicle being managed) via an input interface (Fig. 1, item 16, col. 6, ll. 10-14, OBD-II connector), storing data received from the input interface (col. 6, ll. 14-21, collecting, storing, formatting and transmitting at different intervals), with a schema specifying the type of data and frequency of data to collect data and transmit and transmitting the collected data over the wireless network to the host computer (Fig. 2, steps 24, 25, col. 2, ll. 55- col. 3, ll. 13, col. 4, ll. 3-24). The wireless appliance transmits stored data over the wireless network (Fig. 2, step 24, col. 6, 18-

21). The schedule is activated and data is transmitted when the vehicle is in running state (col. 2, ll. 5-6, col. 4, ll. 46-49).

Lowrey is silent on the state of the input interface to activate the schedule.

However, in the same field of endeavor, Goldberg teaches of a vehicle tracking and guidance system in which the command message is transmitted over wireless network to a remote mobile unit (Fig. 3, item 42, watson device) connected (Fig. 3, items 70, 76, 78, 84) to object (col. 12, ll. 32-34, vehicles) being tracked, wherein the command includes schedule (sending times) and schedule activation information (certain distance traveled or boundaries of geographic areas) (col. 12, ll. 21-31; col. 13, ll. 29-35; col. 14, ll. 35-37) and these activation information are provided by external GPS through the interface (col. 12, ll. 3-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lowrey to transmit a schedule and its activation information over the wireless network as taught by Goldberg in order to "receive the location of the watson device at certain sending times" (Goldberg, col. 3, ll. 29-30) such that "the base station should be able to change the configuration of the Watson device which includes timing and other requirements for watson to call the base station" (Goldberg, col. 13, ll. 32-35).

**Regarding claims 19, 24 and 29**, Lowrey teaches of the interface coupled to sensor or switch representation in engine computer for retrieving the data (Fig. 1, item 16).



**Regarding claims 20, 25 and 30**, Lowrey teaches of transmitting a message to the wireless appliance with a schema specifying the type and frequency of data collection (col. 7, 21-40).

8. Claims 2, 3, 7, 8, 12, 13, 17, 18, 22, 23, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey and Goldberg as applied to claims 1, 6, 11, 16, 21, 26 above, and further in view of King (US Patent Application Publication No. 2003/0011511 A1).

**Regarding claims 2, 7 and 12**, Lowrey teaches of a wireless network connection used for telephones or pagers for transmitting and receiving messages between host computer and wireless appliance (col. 4, ll. 3-24). Lowrey also teaches of employing terrestrial GPS system (i.e. assisted GPS) to determine location of wireless appliance and hence the tracked object (col. 10, ll. 61-66). Goldberg teaches of a current position determination using various Satellite Positioning Systems (SATPS) (col. 6, ll. 42-63).

Lowrey and Goldberg do not specifically teach of sending location data request from wireless appliance to the host computer, receiving response data and using it to calculate the location of the wireless appliance within the wireless appliance.

However, in the same field of endeavor, King teaches of mobile device originating a location request from the reference network server, receiving the location assistance data and calculating its own location (paragraphs 0011, 0050).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lowrey and Goldberg to include network assisted location computing in wireless appliance as taught by King in order to determine location of the wireless appliance even when clear unobstructed view of GPS satellites is not possible such as in big cities with tall buildings.

***Regarding claim 17,*** refer to rejections for claim 2 and claim 16.

***Regarding claim 22,*** refer to rejections for claim 7 and claim 21.

***Regarding claim 27,*** refer to rejections for claim 12 and claim 26.

***Regarding claims 3, 8, 13, 18, 23 and 28,*** Lowrey teaches of using global-positioning system to monitor the location of the vehicle (col. 10, ll. 58-61). Also, Goldberg teaches of a current position determination using various Satellite Positioning Systems (SATPS) (col. 6, ll. 42-63).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 4,750,197	Denekamp
US Patent No. 6,710,738	Allen
US Patent No. 6,847,832	Zhou
US Patent No. 6,225,901	Kail
US Patent No. 5,892,758	Argyroudis
US Patent No. 5,485,161	Vaughn

US Patent Application Publication No. 2005/0052290

Naden

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel  
Examiner  
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HSP



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